

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANCISCO FABIAN	:	CIVIL ACTION
Plaintiff,	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	No. 13-1656
Defendant.	:	

ORDER

AND NOW, this 7th day of October, 2013, upon consideration of the United States' Motion to Dismiss Plaintiff Francisco Fabian's Complaint for failure to file a certificate of merit (Docket No. 8) and Mr. Fabian's Response thereto (Docket No. 9), the Court **HEREBY ORDERS that:**

1. The Government's Motion to Dismiss (Docket No. 8) is **DENIED**;
2. Mr. Fabian **MUST RESUBMIT any exhibits** attached to his Complaint by Monday, October 21, 2013;¹ and
3. Mr. Fabian **SHALL FILE A CERTIFICATE OF MERIT by Friday, December 6, 2013**, or his Complaint may be subject dismissal without prejudice for failure to prosecute.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge

¹ Mr. Fabian makes reference to exhibits in his Complaint, including, of relevance here, to Exhibit 3 (Dr. Scott F. Giberman's notes). Neither the Docket nor the Court's file contains these exhibits.